

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HARTFORD FIRE INSURANCE COMPANY,

Plaintiff,

vs.

Cause No. 1:13-cv-00896-JCH-RHS

JUSTINA ROMERO, individually and as Personal Representative of the ESTATE OF KAYLA ALEXIS MARTINEZ; FRED SANCHEZ, individually and as Personal Representative of the ESTATE OF ALEANDRA SANCHEZ; REYES RUBIO; ANGEL GOMEZ, as Parent and next friend of BRIANNA SANCHEZ, a minor; FELICITA ESQUIBEL, as Parent and next friend of KAYLA ESQUIBEL, a minor; MARY HELEN LUCERO, as Parent and next friend of ALEXANDRIA DE LA O, a minor; and JOSEPH MARTINEZ,

Defendants.

**STIPULATED MOTION FOR ORDER
DIRECTING DISTRIBUTION OF THE INTERPLED FUND**

Plaintiff, Hartford Fire Insurance Company (Hartford), by and through its attorneys, Riley, Shane & Keller, P.A. (Courtenay L. Keller), hereby respectfully requests that this Court enter an Order directing the Clerk of the Court to distribute the \$200,000.00 policy proceeds, which were deposited in the Registry of the Court on September 25, 2013. In support, Hartford states the following:

1. On September 17, 2013, Hartford filed its Complaint for Interpleader [Doc. 1].
2. On September 25, 2013, Hartford tendered and deposited \$200,000 (comprised of the policy's \$100,000 per accident liability limits and \$100,000 per accident UM/UIM limits) into the Federal Court Registry, pursuant to the Court's Order Granting Plaintiff's Motion to Deposit Funds into the Court's Registry filed September 24, 2013 [Doc. 7].

3. On May 15, 2014, The Honorable Robert H. Scott conducted a Rule 16 Scheduling Conference at which time he directed the parties to meet, confer, and attempt to settle the claims to the fund in advance of the Settlement Conference scheduled for June 18, 2014.

4. On May 16, 2014, this Court entered its Order Granting Default Judgment against Defendants Angel Gomez, as Parent and next friend of Brianna Sanchez, a minor, and Felicita Esquibel, as Parent and next friend of Kayla Esquibel, a minor [Doc. 42].

5. The remaining parties then met, conferred, and reached a settlement agreement that constitutes an equitable distribution of the interpled funds, fully resolves all claims arising from the subject motor vehicle accident against Hartford's insureds, and effects dismissal with prejudice of the lawsuits filed in the Fourth Judicial District Court against Hartford's insureds (the underlying lawsuits).

6. In light of the number of claimants, the availability of UM/UIM proceeds under other policies, and the limited funds, the parties reached the following agreement concerning distribution of the policy proceeds:

- a. Pay \$33,000 (thirty three thousand dollars and zero cents) to Mary Helen Lucero, as parent and next friend of Alexandria De La O, a minor;
- b. Pay \$33,000 (thirty three thousand dollars and zero cents) to Joseph Martinez;
- c. Pay \$33,000 (thirty three thousand dollars and zero cents) to Reyes Rubio;
- d. Pay \$50,500 (fifty thousand five hundred dollars and zero cents) to Justina Romero, as the personal representative of the Estate of Kayla Martinez; and
- e. Pay \$50,500 (fifty thousand five hundred dollars and zero cents) to Fred Sanchez, the personal representative of the Estate of Aleandra Sanchez.

7. In exchange for payment of the above-referenced sums, each of the claimants have agreed to execute full and final releases of all claims and to dismiss with prejudice all claims against Hartford's insureds asserted in the underlying lawsuits.

8. Based on the agreement described above, Hartford respectfully requests that this Court enter an Order directing the Clerk of the Court to distribute the funds as outlined above.

9. Upon confirmation that the funds have been properly distributed, undersigned will submit a motion seeking dismissal of this matter with prejudice.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order directing the Clerk of the Court to distribute the funds as outlined above, and grant such other and further relief as the Court deems appropriate.

Respectfully submitted,

RILEY, SHANE & KELLER, P.A.

By: /s/ original signed by Courtenay L. Keller

COURTENAY L. KELLER

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The undersigned hereby certifies that on the 27th day of June, 2014, a copy of the foregoing was electronically filed through the CM/ECF system, which caused the following participating CM/ECF counsel to be served with same by electronic means:

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By: /s/ Original signed by Courtenay L. Keller
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